S.B. CIVIL WRIT PETITION NO.4776/03

DATE OF ORDER: 28.3.2006

HON'BLE MR.R.C. GANDHI, J.

Mr. S.S. Jodha, for the petitioner/s.
Mr. Viveek Shrimali, for the respondent/s.

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Learned counsel for the petitioner seeks to quash the order dated 29.7.2003 whereby the petitioner while working as Booking Clerk, has been directed to work as Conductor.

Learned counsel for the parties has submitted that similar dispute has been decided by the Hon'ble Division Bench of this Court in D.B. Civil Special Appeal (W) No.166/2004 (Om Prakash Vs. RSRTC & Ors.) and D.B. Civil Special Appeal(W) No.543/2004 (Babulal Sharma Vs. RSRTC & Ors.). The Hon'ble Division Bench while deciding the dispute has observed as under :-

> "The appointment as Booking Clerk from amongst senior most Booking Clerk was not dependent on any option exercised for such posting. As we have already noticed the judgment under appeal has not noticed any of the judgment which has come prior to it on the point that the posts of Booking Clerk at various Bus Stands and the Booking Office were manned under the Ministerial cadre services which have been declared a dying

post.

> Accordingly, the appeals are allowed. The impugned orders are quashed. The judgment under appeal dealing with each of the case is set aside. The transfers of petitioner-appellant in each case from Booking Clerk to the en route duties is non-speaking. Relegation of a person appointed as Booking Clerk to the post of Conductor may be made strictly in pursuance of the directions by this Court in Bhagwan Singh's case for the purpose of manning the requirement of Booking Windows at different places of the State from amongst the senior most conductors, who have not opted to be otherwise out of the booking windows."

On the submissions of the learned counsel for the parties, the petition is disposed of directing that the disposal of the instant writ petition shall be governed by the judgment dated 8.9.2005 delivered in D.B. Civil Special Appeal(W) No. 543/2004.

(R.C. Gandhi), J.

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